

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4137-33  
C# M#

TRIGG et al

TC/A.U. 1853

Serial No. 10/808,504

Examiner: Audet, M.

Filed: March 25, 2004

Date: September 24, 2004

Title: SUSTAINED PEPTIDE-RELEASE FORMULATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF TERMINAL DISCLAIMER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0 x \$ 86.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months)				\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 110.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00)				\$ 0.00
<input type="checkbox"/> Please enter the previously unentered, filed				
<input type="checkbox"/> Submission attached				
			<b>Subtotal</b>	<b>\$ 110.00</b>
If "small entity," then enter half (1/2) of subtotal and subtract				-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				\$ 0.00
Assignment Recording Fee (\$40.00)				\$ 0.00
Other:				0.00

**TOTAL FEE ENCLOSED \$ 110.00**

The Commissioner is hereby authorized to charge the terminal disclaimer fee of \$110.00 to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
LCM:lrmNIXON & VANDERHYE P.C.  
By Atty: Leonard C. Mitchard, Reg. No. 29,009Signature: 

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For: SUSTAINED PEPTIDE-RELEASE  
FORMULATION

\* \* \* \* \*

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Alexandria, VA 22313-1450

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SEP 24 2004

**TERMINAL DISCLAIMER**

Sir:

Your petitioner, Peptech Limited, a corporation having an office and place of business at North Ryde, Australia, the undersigned being the attorney of record, represents that it is the assignee, as evidenced by the assignment recorded at Reel 014316, Frame 0223, of all right, title and interest in and to application Serial No. 10/808,504, filed on March 25, 2004 for SUSTAINED PEPTIDE-RELEASE FORMULATION. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. patent 6,337,318, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal

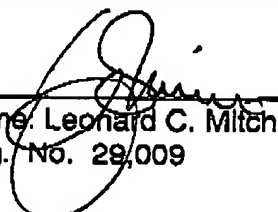
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title to said U.S. patent 6,337,318, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said U.S. patent 6,337,318 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Respectfully submitted,  
NIXON & VANDERHYE, P.C.



\_\_\_\_\_  
Name: Leonard C. Mitchard  
Reg. No. 29,009

Sep. 24 04  
Date of Execution